

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 3, 14, 15, 17, 28 and 48 are pending in this application. Independent claims 1, 15 and 48 are amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Support for this amendment can be found in paragraph 0027 of the Specification as originally filed.

No new subject matter has been added as a result of the amended claims.

### **II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1, 3, 14, 15, 17, 28 and 48 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 4,093,512 to Fleischer (hereinafter merely "Fleischer") in view of any one of U.S. Patent No. 3,800,019 to Parsey or U.S. Patent No. 6,653,943 to Lamb.

Independent claim 1 recites:

**"A papermaking fabric multilayer monofilament, said multilayer monofilament having a core and a sheath comprising a plurality of respective layers visibly distinguishable from one another and the core by their contrasting color, or reflectivity for indicating a level of wear of a papermaking fabric comprised thereof, wherein said multilayer monofilament is formed before being used in said papermaking fabric."** (Emphasis added)

Accordingly, one embodiment of the instant invention is a multilayer monofilament for use in a papermaking fabric. The multilayer monofilament is formed of a core and a plurality of layers that are distinguishable from each other and the core. The multilayer

monofilament, as recited in the instant claims, takes its final form before being used in a papermaker's fabric.

For example, FIG. 4 of the Instant Application is a plan view of an unused fabric 20 (wear side) comprising at least some of the multilayered filaments 10, according to the teachings of the present invention. Fabric 20 can be a structure woven from yarns 10 lying in the cross-machine direction (CD) and yarns 22 lying in the machine direction (MD), although it need not be woven to fall within the scope of the present invention, and could be a nonwoven structure. In FIG. 4, CD yarns 10 which are multilayered filaments of the variety shown in FIGS. 1, 2 and 3 are depicted as weaving with MD yarns 22 in a plain weave. In the example shown, the knuckles 24 on the surface of the fabric 20 are most susceptible to wear because they are formed where a yarn in one direction of the fabric 20 passes or crosses over one in the other direction, and are therefore elevated points on the surface of the fabric 20.

After the fabric 20 has been used for some period of time, the same plan view of the fabric 20 will appear as shown in FIG. 5. At least one or more of the outer layers 16, 18 of the CD multilayered filaments 10 are shown to be worn away to the point where an inner layer 14 or the core 12 is exposed to view. By virtue of its different color or reflectivity, for example, compared to that of the outer layers 16, 18, the inner layer 14 or core 12 gives an indication of the wear of the fabric 20. *Instant Application*, paragraphs [0027] and [0028].

As to Fleischer, although it discloses that its load bearing elements can be monofilaments (col. 3, lines 27-56), there is no further discussion regarding the structure of this monofilament in the rest of Fleischer's disclosure. The only plied structure that Fleischer later discloses in col. 4 is coated using a two step resin treatment by first applying a thermosetting acrylic resin and then a phenolic resin (col. 4, lines 37-50). However, Applicants respectfully

submit that the coating method suggested for applying the resin in Fleischer is that as described in Christie et al, U.S. Patent Nos. 3,252,821 and 3,149,003, both of which teach coating the fabric itself and **not** the monofilament. While coating the fabric might cover one side of the monofilaments, the interstices of the fabric and the points where the warp and weft intersect, are certainly not going to have the same multilayer coated structure nor is there assurance of uniformity. Accordingly, the cited references fail to teach or suggest the use of monofilaments that are first coated multiple times and then used to make the fabric.

As to Parsey and Lamb, both relate to rope structures and none of them teach or suggest use of a monofilament. The Examiner cited the KSR v. Teleflex case to say that if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. Applicants respectfully submit that one of ordinary skill in the papermaking art would not look into elevator suspension ropes or marine water cordages to come up with a solution for the instant problem, which purely relates to papermaker's fabrics. Additionally, Applicants submit that the two 'devices' at issue are not similar in any manner.

Therefore, Applicants submit that none of the above cited references teach or suggest the above discussed features of claim 1. Specifically, none of Fleischer, Parsey and Lamb, considered either alone or in combination, disclose or suggest a multilayer monofilament having a core and a sheath comprising a plurality of respective layers visibly distinguishable from one another and the core by their contrasting color, or reflectivity for indicating a level of wear of a papermaking fabric comprised thereof, wherein said multilayer monofilament is formed before being used in said papermaking fabric, as recited in independent claim 1.

For at least the foregoing reasons, independent claims 1, 15 and 48 patentably distinguish over the relied upon portions of Fleischer, Parsey and Lamb, and are therefore allowable. Further, claims 3, 14, 17 and 28 that depend from either claim 1 or claim 15, are allowable as well.

Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art and an early and favorable consideration thereof is solicited. Accordingly, a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,  
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